

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Box Issue Fee, Commissioner for Patents, Washington, DC 20231" on

Atty Dkt No. 6200-0013
PATENT

14

January 13, 2003

1-13-03
DateSignature *Mary O'Malley*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

In Re Application of:
Feng-Jing CHEN et al.

Serial No.: 09/716,209

Group Art Unit: 1614

Filing Date: November 17, 2000

Examiner: Brian KWON

Title: PHARMACEUTICAL COMPOSITIONS AND DOSAGE FORMS FOR
ADMINISTRATION OF HYDROPHOBIC DRUGS

FEB 04 2003
Office of Patent Publication
Director's Office

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT
UNDER 37 CFR § 1.181

Box Issue Fee
Commissioner for Patents
Washington, DC 20231

Sir:

Pursuant to the guidelines set forth in the Manual of Patent Examination Procedure (MPEP) § 711.03(c), applicants respectfully petition the Commissioner under the provisions of 37 CFR § 1.181 for withdrawal of the holding of abandonment for the patent application identified above. The facts in support of this petition are as follows:

STATEMENT OF FACTS

On August 20, 2002, a Notice of Allowance for the above-identified application was mailed to Reed & Associates, applicants' attorneys of record (Exhibit A).

On November 20, 2002, in response to the Notice of Allowance, Dianne E. Reed, of Reed & Associates, forwarded the following documents to the United States Patent and Trademark Office (PTO) using the first class mailing procedures set forth under 37 CFR § 1.8:

- A Response to Notice of Allowance (Exhibit B);
- A Communication Regarding Incorrect Title on the Notice of Allowance (Exhibit C);
- An Application for Patent Term Adjustment under 37 CFR 1.705(b) (Exhibit D);
- A completed Issue Fee Transmittal Form, PTOL-85 (Exhibit E);

Atty Dkt No. 6200-0013
Serial No. 09/716,209

- Check Number 10998 in the amount of \$670.00 for payment of the issue fee and ten (10) soft copies of the patent; (Exhibit F);
- Check number 11003 in the amount of \$200.00 for the Application for Patent Term Adjustment (Exhibit F); and
- A return receipt postcard (Exhibit F).

On December 2, 2002, Reed & Associates received the return receipt postcard in the mail, bearing a PTO date stamp of November 25, 2003 (see Exhibit F). The return receipt postcard did not bear any PTO corrections.

On January 7, 2003, Reed & Associates received a Notice of Abandonment ("Notice") (Exhibit G), bearing a PTO mailing date of January 2, 2003. The Notice indicated that the application had been abandoned for failure to timely pay the issue fee.

On January 13, 2003, in response to the Notice of Abandonment, the undersigned attorney filed this petition seeking withdrawal of the holding of abandonment.

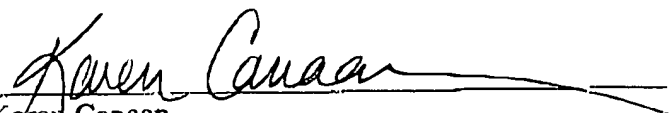
RELIEF REQUESTED

Because the issue fee for this application was timely filed on the November 20, 2002 due date specified in the Notice of Allowance, it is clear that the Notice of Abandonment was mailed from the Office in error. Accordingly, because this case is *not* abandoned, applicants respectfully request withdrawal of the holding of abandonment for this application and passage of this application to issue.

As this petition is brought to correct an Office error, no fee is required for this petition. Notwithstanding the foregoing, if the Commissioner deems that a fee is necessary to process this petition, then the Commissioner is authorized to charge the appropriate fee to Deposit Account No. 18-0580. **A duplicate copy of this sheet is enclosed.**

Respectfully submitted,

By:


Karen Canaan
Registration No. 42,383

REED & EBERLE LLP
800 Menlo Avenue, Suite 210
Menlo Park, California 94025
(650) 330-0900 Telephone
(650) 330-0980 Facsimile

Copy of Return Postcard

Attorney Docket No.: 6200-0013Mailing Date: January 13, 2003Inventor(s): Feng-Jing CHEN et al.Serial No.: 09/716,209Filing Date: 11/17/2000

Document(s): **Petition to Withdraw Holding of Abandonment Under
37 CFR 1.181; Exhibits A - G; and a Return Receipt
Postcard**



RECEIVED BY THE UNITED STATES PATENT AND TRADEMARK OFFICE

1/13/03 KMO
DOCKETED

Attorney Docket No.: 6200-0013

Mailing Date: January 13, 2003

Inventor(s): Reng-jing CHEN et al.

Serial No.: 09/716,209

Filing Date: 11/17/2000

Document(s): Petition to Withdraw Holding of Abandonment Under
37 CFR 1.101; Exhibits A - G; and a Return Receipt
Postcard

RECEIVED BY THE UNITED STATES PATENT AND TRADEMARK OFFICE

Exhibit A



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20221
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

23980 7590 08/20/2002
REED & ASSOCIATES
800 MENLO AVENUE
SUITE 210
MENLO PARK, CA 94025

RECEIVED

AUG 23 2002

REED & ASSOCIATES

EXAMINER	
KWON, BRIAN YONG S	
ART UNIT	CLASS-SUBCLASS
1614	514-458000

DATE MAILED: 08/20/2002

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,029	11/17/2000	Feng-Jing Chen	6200-0013	7055

TITLE OF INVENTION: PHARMACEUTICAL COMPOSITIONS AND DOSAGE FORMS FOR ADMINISTRATION OF FENOFIBRATE

8/23/02 @

DER

IF

11/20/02

APPL. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$640	50	\$640	11/20/2002

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
- B. If the status is changed, pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above and notify the United States Patent and Trademark Office of the change in status, or

If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or
- B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check the box below and enclose the PUBLICATION FEE and 1/2 the ISSUE FEE shown above.
- ☐ Applicant claims SMALL ENTITY status.
See 37 CFR 1.27.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20590
www.uspto.gov

APPLICATION NO	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO	CONFIRMATION NO
09/716,029	11/17/2000	Feng-Jing Chen	6200-0013	7055

23980 7590 08/20/2002

REED & ASSOCIATES
800 MENLO AVENUE
SUITE 210
MENLO PARK, CA 94025

EXAMINER

KWON, BRIAN YONG S

ART UNIT	PAPER NUMBER
----------	--------------

1614

DATE MAILED: 08/20/2002

DER 8/20/02 (72)

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The patent term adjustment to date is 0 days. If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the term adjustment will be 0 days.

If a continued prosecution application (CPA) was filed in the above-identified application, the filing date that determines patent term adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) system. (<http://pair.uspto.gov>)

Notice of Allowability

Application No.

09/716,029

Examiner

Brian S Kwon

Applicant(s)

CHEN ET AL.

Art Unit

1614

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address—

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 8/8/02 and Telephonic Interview on 8/8/02 & 8/13/02.
2. ☒ The allowed claim(s) is/are 5-12, 51, 54-65, 67-71 and 92-98.
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| <ol style="list-style-type: none"> 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 3 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 5 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449), Paper No. <u>9</u>. 7 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | <ol style="list-style-type: none"> 2 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 4 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>12</u>. 6 <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance 9 <input type="checkbox"/> Other |
|--|---|

RECEIVED
PATENT EXAMINER
GROUP 1200

Robert F.

Interview Summary	Application No.	Applicant(s)	
	09/716,029	CHEN ET AL.	
	Examiner	Art Unit	
	Brian S Kwon	1614	

All participants (applicant, applicant's representative, PTO personnel):

(1) Brian S Kwon (3) _____

(2) Dianne Reed (4) _____

Date of Interview: 14 August 2002.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____.

Claim(s) discussed: 54 and 69.

Identification of prior art discussed: Edgar (US 5880148), WO 97/04749 and WO 00/57859.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Authorization was given to amend claims 54 and 69 by Examiner's amendment.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

Application/Control Number: 09/716,029

Page 2

Art Unit: 1614

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Dianne Reed, August 14, 2002.

The application has been amended as follows:

In Claim 54, line 6, add --and-- after citrate, and delete [, and a nitrogen containing solvent].

In Claim 69, lines 2-3, add --and-- after citrate, and delete [, and a nitrogen containing solvent].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Kwon whose telephone number is (703)308-5377. The examiner can normally be reached Tuesday through Friday from 9:00 am to 7:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marianne Scidel, can be reached on (703) 308-4725. The fax number for this Group is (703) 308-4556.

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1235.

Application/Control Number: 09/716,029

Page 3

Art Unit: 1614

Brian Kwon

ZOHREH FAY
PRIMARY EXAMINER
GROUP 1600

Zohreh Fay

Notice of References Cited	Application/Control No. 09/716,029	Applicant(s)/Patent Under Reexamination CHEN ET AL	
	Examiner Brian S Kwon	Art Unit 1614	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-			
	B	US-			
	C	US-			
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N	WO 97/04749 A1	02-1997		Duclos et al.	
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

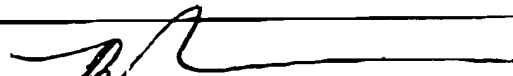
*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
 Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Substitute for form 1419A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>		<i>Complete if Known</i>			
		Application Number	09/716,029		
		Filing Date	November 17, 2000		
		First Named Inventor	Feng-Jing CHEN et al.		
		Art Unit	1614		
		Examiner Name	B. Kwon		
Sheet	1	of	1	Attorney Docket Number	6200-0013

U.S. PATENT DOCUMENT							
Examiner Initials*	Cite No.	Document Number	Issue Date or Publication Date	Name of Patentee or Applicant of Cited Document	Class	Subclass	Filing Date if Appropriate
	BD	5,880,148 ¹ (equivalent to EP 0724877 below)	3/9/99	Edgar et al			

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No.	Foreign Patent Document No.	Publication Date	Country	Class	Subclass	T
	BE	EP 0724877 A1	8/7/96	Europe			
	BF	WO 00/50007	8/31/00	PCT			
	BG	WO 01/49262	7/12/01	PCT			*

*Translation of abstract only.

Examiner Signature		Date Considered	7-30-02
--------------------	---	-----------------	---------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Exhibit B

I hereby certify that this communication is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, Washington, DC 20231" on

Atty Dkt No. 6200-0013
PATENT

November 20, 2002
11/20/02 Maileigh B. McKenna
Date Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
Feng-Jing CHEN et al.

Confirmation No.: 7055

Serial No.: 09/716,209

Group Art Unit: 1614

Filing Date: November 17, 2000

Examiner: Brian KWON

Title: PHARMACEUTICAL COMPOSITIONS AND DOSAGE FORMS FOR ADMINISTRATION
OF HYDROPHOBIC DRUGS

RESPONSE TO NOTICE OF ALLOWANCE

Commissioner for Patents
Box Issue Fee
Washington, DC 20231

Sir:

In response to the Notice of Allowance mailed August 20, 2002, enclosed is a Communication Regarding Incorrect Title on the Notice of Allowance, Application for Patent Term Adjustment under 37 CFR 1.705(b), the completed Issue Fee Transmittal Form PTOL-85 and a check for \$670 for the required issue fee and fee for ten (10) soft copies of the patent, and a check for \$200 for the patent term adjustment.

The Commissioner is hereby authorized to charge any underpayment of fees, or to credit any overpayment, which may be required by this paper to Deposit Account No. 18-0580. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

By:

Dianne E. Reed
Dianne E. Reed
Registration No. 31,292

REED & ASSOCIATES
800 Menlo Avenue, Suite 210
Menlo Park, California 94025
(650) 330-0900 Telephone
(650) 330-0980 Facsimile

Exhibit C

Exhibit D

Exhibit F

REED & ASSOCIATES

800 MENLO AVENUE, #210
MENLO PARK, CA 94025

10998

90-4153/1211

PAY
TO THE
ORDER OFDATE Nov 20 2002
\$ 670Commissioner of Patents
Six hundred seventy
00
100

DOLLARS

MID-PENINSULA BANK

100 S. Ellsworth Ave., San Mateo, California 94401
650-323-5150FOR 6200-0013-1F + copiesMarilyn B. McKane

⑈010998⑈ ⑈121141534⑈0263885101⑈

11003

REED & ASSOCIATES

800 MENLO AVENUE, #210
MENLO PARK, CA 94025

90-4153/1211

PAY
TO THE
ORDER OFDATE 11.20.02
\$ 200.00Commissioner for Patents
Two Hundred and 00/100

DOLLARS

MID-PENINSULA BANK

100 S. Ellsworth Ave., San Mateo, California 94401
650-323-5150

FOR

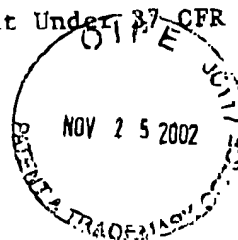
6200-0013Marilyn B. McKane

⑈011003⑈ ⑈121141534⑈0263885101⑈

Attorney Docket No.: 6200-0013Mailing Date: 11/20/02Inventor(s): Feng-Jing Chen et al.Serial No.: 09/716,209Filing Date: 11/17/00

Document(s):

Response to Notice of Allowance;
Communication regarding Incorrect Title on the Notice of
Allowance;
Application for Patent Term Adjustment Under 37 CFR 1.705(b);
Part B-Fee Transmittal;
\$670 & \$200 & postcard.



RECEIVED BY THE UNITED STATES PATENT AND TRADEMARK OFFICE

Exhibit G



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/716,029	11/17/2000	Feng-Jing Chen	6200-0013	7055

23980 7590 01/02/2003

REED & BERLE LLP
800 MENLO AVENUE, SUITE 210
MENLO PARK, CA 94025

RECEIVED

JAN 06 2003

REED & ASSOCIATES

EXAMINER

KWON, BRIAN YONG S

ART UNIT

PAPER NUMBER

1614

PH13

DATE MAILED: 01/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

KE 1/7/03 (2)
Let to receive 1/16/03


UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
--------------------	-------------	-----------------------	---------------------

09/17/02

EXAMINER

ART UNIT	PAPER NUMBER
----------	--------------

P413

DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper response to the Office letter mailed on _____.
- ☐ A response (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for response (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed response was received on _____, but it does not constitute a proper response to the final rejection.

(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC).

- ☐ No response has been received.
- ☒ Applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.

- ☐ The issue fee (with a Certificate of Mailing or Transmission of _____) was received on _____.
- ☐ The submitted issue fee of \$_____ is insufficient. The issue fee required by 37 CFR 1.18 is \$_____.
- ☐ The issue fee has not been received.

- ☐ Applicant's failure to timely file new formal drawings as required in the Notice of Allowability.

- ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of _____) were received on _____.
- ☐ The proposed new formal drawings filed _____ are not acceptable.
- ☐ No proposed new formal drawings have been received.

- ☐ The express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on _____.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

ABANDONMENT
CONTACT PERSON IS:
TOM HAWKINS
305-8380

REED & EBERLE LLP

INTELLECTUAL PROPERTY LAW
800 MENLO AVENUE, SUITE 210
MENLO PARK, CALIFORNIA 94025
(650) 330-0900 TELEPHONE
(650) 330-0980 FACSIMILE
WWW.REEDPATENT.COM

FACSIMILE TRANSMITTAL SHEET

TO: Examiner F. Briscoe U.S. PATENT AND TRADEMARK OFFICE Washington, DC 20231	FACSIMILE No.: (703) 305-8755 TELEPHONE No.: (703) 305-5340
FROM: Karen Canaan Reg. No. 42,382	FACSIMILE No.: (650) 330-0980 TELEPHONE No.: (650) 330-0900
DATE: May 13, 2003	PAGE 1 OF: 6
SUBJECT: In re Application of: Feng-Jing CHEN et al For: PHARMACEUTICAL COMPOSITIONS AND DOSAGE FORMS FOR ADMINISTRATION OF HYDROPHOBIC DRUGS Serial No.: 09/716,029 Filed: 11/17/2000 Attorney Docket No.: 6200-0013	CONFIRMATION COPY TO FOLLOW: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

PLEASE DELIVER TO EXAMINER F. BRISCOE ASAP

WARNING: This facsimile message and accompanying documents are intended only for the use of the addressee indicated above. Information that is privileged or otherwise confidential may be contained therein. If you are not the intended recipient, you are hereby notified that any dissemination, copying, review, or use of the above message or the accompanying documents is strictly prohibited. If you have received this message in error, please notify us immediately by telephone or facsimile, and mail the original to us at the above address. Thank you.

**PLEASE CALL (650) 330-0900 IF YOU HAVE ANY PROBLEMS RECEIVING THIS TRANSMISSION
OR HAVE RECEIVED THIS TRANSMISSION IN ERROR.**

I hereby certify that this correspondence is being transmitted via facsimile to Examiner F. Briscoe of the United States Patent and Trademark Office, at facsimile number 703-305-8755, on May 13, 2003.

Atty Dkt No. 6200-0013
PATENT

5/13/2003
Date

Mary O'Malley
Mary O'Malley

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
Feng-Jing CHEN et al.

Serial No.: 09/716,029

Group Art Unit: 1614

Filing Date: November 17, 2000

Examiner: Brian KWON

Title: PHARMACEUTICAL COMPOSITIONS AND DOSAGE FORMS FOR
ADMINISTRATION OF HYDROPHOBIC DRUGS

**SUPPLEMENT TO THE PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT
UNDER 37 C.F.R. § 1.181**

Attention: Examiner Briscoe
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Further in support of the Petition to Withdraw the Holding of Abandonment for the patent application identified above, applicants submit the following two documents:

1. Statement of Marilyn B. McKenna in Support of the Petition to Withdraw the Holding of Abandonment; and
2. Statement of Elizabeth A. Halligan in Support of the Petition to Withdraw the Holding of Abandonment.

Should the examiner have any questions, or require any additional information, Applicants invite the Examiner to call the undersigned at (650) 330-0900.

Respectfully submitted,

By:

Karen Canaan
Registration No. 42,383

REED & EBERLE LLP
800 Menlo Avenue, Suite 210
Menlo Park, California 94025
(650) 330-0900 Telephone
(650) 330-0980 Facsimile

Exhibit E

I hereby certify that this correspondence is being filed by facsimile transmission to: "Examiner Briscoe, Commissioner for Patents, Washington, DC 20231" on May 13, 2003 at 703-305-8755

Atty Dkt No. 6200-0013
PATENT

5/13/2003
Date
Marilyn B. McKenna
Signature

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
Feng-Jing CHEN et al.

Serial No.: 09/716,029

Group Art Unit: 1614

Filing Date: November 17, 2000

Examiner: Brian KWON

Title: PHARMACEUTICAL COMPOSITIONS AND DOSAGE FORMS FOR
ADMINISTRATION OF HYDROPHOBIC DRUGS

**STATEMENT OF MARILYN B. MCKENNA IN SUPPORT OF THE PETITION TO
WITHDRAW THE HOLDING OF ABANDONMENT**

Attention: Examiner Briscoe
Commissioner for Patents
Washington, DC 20231

I, Marilyn B. McKenna, state the following:

1. I am the docket clerk and a patent secretary for the law firm of Reed & Eberle LLP (formerly Reed & Associates) and have been acting in my capacity as such since January 1, 1999.

2. On November 20, 2003, I received the following documents for submission to the United States Patent and Trademark Office for the patent application identified above, they were:

- i. A Response to Notice of Allowance;
- ii. A Communication Regarding Incorrect Title on the Notice of Allowance;
- iii. An Application for Patent Term Adjustment under 37 CFR 1.705(b);
- iv. The Issue Fee Transmittal Form, PTOL-85;

Atty Dkt No. 6200-0013

Serial No. 09/716,209

- v. Check Number 10998 in the amount of \$670.00 for payment of the issue fee and ten (10) soft copies of the patent;
- vi. Check number 11003 in the amount of \$200.00 for the Application for Patent Term Adjustment; and

3. After reviewing each of these documents for attorney signatures and compliance with Patent Office formalities, I prepared the return postcard, signed the certificates of mailing, placed items (i)-(vi) and the return postcard in a package addressed to the United States Patent and Trademark Office, placed the correct postage on the package, and placed the package in the outgoing mail basket for our law firm. The mail was picked up and hand-delivered to the nearest United States Postal Service office at 5:00 p.m.

4. Based on the foregoing sequence of events, I state that the Issue Fee transmittal form and the Issue Fee for this patent application was timely filed on November 20, 2002.

Date:

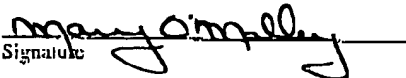
May 13, 2003

Name:

Marilyn B. McKenna
Marilyn B. McKenna

I hereby certify that this correspondence is being filed by facsimile transmission to: "Examiner Briscoe, Commissioner for Patents, Washington, DC 20231" on May 13, 2003 at 703-305-8755

Atty Dkt No. 6200-0013
PATENT

5/13/2003
Date
Signature 

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
Feng-Jing CHEN et al.

Serial No.: 09/716,029

Group Art Unit: 1614

Filing Date: November 17, 2000

Examiner: Brian KWON

Title: PHARMACEUTICAL COMPOSITIONS AND DOSAGE FORMS FOR
ADMINISTRATION OF HYDROPHOBIC DRUGS

**STATEMENT OF ELIZABETH A. HALLIGAN IN SUPPORT OF THE PETITION TO
WITHDRAW THE HOLDING OF ABANDONMENT**

Attention: Examiner Briscoe
Commissioner for Patents
Washington, DC 20231

I, Elizabeth A. Halligan, state the following:

1. I am the receptionist for the law firm Reed & Eberle LLP (formerly Reed & Associates) and have been acting in my capacity as such since June 2001. As part of my duties, I pick up the mail from the law firm outgoing mail basket each day and hand deliver the mail to the nearest United States Postal Service mailbox located at the corner of Menlo Avenue and Crane Street in Menlo Park, California 94025.

2. On November 20, 2002, I was working in my usual capacity at the law firm and at approximately 5:00 p.m., I picked up the mail and delivered it to the mailbox as set forth above. A copy of my timecard is attached.

Date: 5.13.03

Name: 
Elizabeth A. Halligan

REED & ASSOCIATES

SEMIMONTHLY TIMESHEET

Employee Name: Elizabeth Halligan

Payroll Period Ending: 11/30/02

Pay Date: 11/27/02

DATE	DAY	TIME WORKED						TIME ABSENT	
		IN	LUNCH		OUT	REGULAR TOTAL* (≤8 hours)	OVERTIME TOTAL* (≤ 12 hours)	DOUBLETIME TOTAL* (> 12 hours)	SICK TOTAL
			OUT	IN					VACATION TOTAL
11/11/02	MON								
11/12/02	TUE								
11/13/02	WED								
11/14/02	THU								
11/15/02	FRI								
11/16/02	SAT	-	-	-	-	0			
11/17/02	SUN	-	-	-	-	0			
11/18/02	MON	8:30	12:30	1	5	8.00			
11/19/02	TUE	8:30	3	3:30	5	8.00			
11/20/02	WED	8:30	2	2:30	5	8.00			
11/21/02	THU	8:30	1	2	5	7.50			
11/22/02	FRI	8:30	1	2	5	7.50			
11/23/02	SAT	-	-	-	-	0			
11/24/02	SUN	-	-	-	-	0			
11/25/02	MON	8:30	1	1	5	7.50			
11/26/02	TUE	8:30	1	1	5	7.50			
11/27/02	WED	8:30	1	1	5	7.50			
11/28/02	THU	THANKSGIVING HOLIDAY					7.50		
11/29/02	FRI	FIRM HOLIDAY					7.50		
11/30/02	SAT	-	-	-	-	0			
Subtotal hours						44.50	0	0	7.50
<Paid estimated hours from previous timesheet>*						44.50	-	-	-
Total hours this payroll period*						0	0	0	7.50

☒ Actual of estimated hours from previous timesheet☐ Estimated hours

*For office use only

* Overtime Log must be submitted with semimonthly timesheet.

I certify that the foregoing to be a correct account of the time worked.

Employee Signature: E. HalliganDate: 11.21.02Manager Signature: [Signature]Date: 11.21.02

REED & EBERLE LLP

INTELLECTUAL PROPERTY LAW
800 MENLO AVENUE, SUITE 210
MENLO PARK, CALIFORNIA 94025
(650) 330-0900 TELEPHONE
(650) 330-0980 FACSIMILE
WWW.REEDPATENT.COM

RECEIVED

FEB 04 2003

Office of Patent Publication
Director's Office**FACSIMILE TRANSMITTAL SHEET**

TO: Examiner F. Briscoll U.S. PATENT AND TRADEMARK OFFICE Washington, DC 20231	FACSIMILE No.: (703) 305-8755 TELEPHONE No.: (703) 305-5340
FROM: Karen Canaan Reg. No. 42,382	FACSIMILE No.: (650) 330-0980 TELEPHONE No.: (650) 330-0900
DATE: February 4, 2003	PAGE 1 OF: 28
SUBJECT: In re Application of: Feng-Jing CHEN et al For: PHARMACEUTICAL COMPOSITIONS AND DOSAGE FORMS FOR ADMINISTRATION OF HYDROPHOBIC DRUGS Serial No.: 09/716,029 Filed: 11/17/2000 Attorney Docket No.: 6200-0013	CONFIRMATION COPY TO FOLLOW: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

Attached is a copy of the Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.181 as mailed to the U.S. Patent Office on January 13, 2003.

We are resubmitting this petition via facsimile because the Petition as filed was inadvertently submitted with the incorrect serial number of 09/716,209. The Serial Number should read 09/716,029.

Please enter the attached Petition for consideration in Application Serial No. 09/716,029.

Thank you.

WARNING: This facsimile message and accompanying documents are intended only for the use of the addressee indicated above. Information that is privileged or otherwise confidential may be contained therein. If you are not the intended recipient, you are hereby notified that any dissemination, copying, review, or use of the above message or the accompanying documents is strictly prohibited. If you have received this message in error, please notify us immediately by telephone or facsimile, and mail the original to us at the above address. Thank you.

PLEASE CALL (650) 330-0900 IF YOU HAVE ANY PROBLEMS RECEIVING THIS TRANSMISSION
OR HAVE RECEIVED THIS TRANSMISSION IN ERROR.